

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

No. 19-cr-00251-LM

JOHNATHON IRISH

ASSENTED-TO MOTION TO CONTINUE SENTENCING HEARING

The defense respectfully requests that the sentencing hearing scheduled for October 14, 2020 be continued for approximately 30 days, as detailed below:

Mr. Irish was convicted following a jury trial. New counsel was then appointed to supplement Mr. Irish's *pro se* motion for new trial based on ineffective assistance of counsel. Undersigned replacement counsel filed that supplement to the motion for new trial. The government objected. The court then heard the motion and declined to consider the issues at this stage of the case, prior to sentencing, leaving the issues for litigation in post-conviction habeas proceedings. The court then scheduled sentencing for October 9, 2020, later moving that date to October 14, 2020.

Both the defense and the government have filed sentencing memoranda and exhibits. However, additional information came to light last week which leads the defense to request this continuance. Specifically, Mr. Irish has been accused of a new offense while incarcerated at the jail. The charge is a violation of protective order regarding Stephanie Irish. Mr. Irish was arrested on this charge while in jail at the Merrimack County House of Correction. The New Hampshire Circuit Court has appointed counsel, Attorney Ted Barnes, to represent Mr. Irish regarding the new charges. The government produced the reports regarding the new charges to the defense

last week. Defense counsel has discussed the matter with Attorney Barnes and at length with Mr. Irish.

Mr. Irish not only denies the new charges but contends that the discovery and proceedings in that case are favorable to him in this case. Mr. Irish has specifically requested that counsel request a continuance of the sentencing hearing so that these issues may be investigated. Considering the recent development of this issue, counsel has not had enough time to investigate the issue.

This case went to trial very quickly, but then there was a delay regarding the motion for new trial. The sentencing hearing has not been continued previously. Considering the entire timeline in the case, even with the sentencing hearing being continued, the case is still less than one year old. A delay to address this new issue would not result in the case taking longer to conclude than other similar cases.

Upon being notified of the foregoing, Assistant United States Attorney Anna Krasinski assented to this motion.

WHEREFORE the defense requests that the sentencing hearing scheduled for October 14, 2020 be continued for approximately 30 days.

Date: October 13, 2020

Respectfully submitted,

/s/ Richard Guerriero
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to registered Participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the nonregistered participants on the date the document was signed by me.

/s/ Richard Guerriero